



Communication Certification Laboratory


July 22, 1998

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Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

Attached is an original plus twelve copies of comments from Communication Certification Laboratory in support of the FCC's Notice of Proposed Rulemaking (NPRM) GEN Docket 98-68, FCC 98-92. Copies are provided for each Commissioner, the Office of Engineering and Technology, Common Carrier Bureau and International Bureau.

Sincerely yours,


William S. Hurst, P.E.
Vice President

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CCL encourages the FCC to continue its oversight role of ensuring the public welfare and protection with regard to telecommunications equipment and services. CCL believes that without the Commission's active involvement in enforcement and oversight the integrity of any adopted system will be compromised.

Guide 65 must be used as the primary qualification for Telecommunications Certification Bodies (TCBs), however the Guide must be applied in its entirety in order to gain universal acceptance

With regard to paragraph 12 of the NPRM, CCL supports the use of ISO/IEC Guide 65 as the primary qualification criteria for Telecommunications Certification Bodies (TCBs). However, the Guide must be applied in its entirety so that such qualification can be accepted, both domestically and internationally. A partial application of the Guide could lead to the preclusion of the universal acceptance of such qualification.

FCC should uphold the principle of "independence" for TCBs as set forth in Guide 65 and adopt a clear definition for "independence"

With regard to Paragraph 13 of the NPRM, CCL believes that it is extremely important that a TCB have the technical expertise that will support its capability to judge the compliance of the product with the applicable regulations. CCL believes however that the Commission must provide a clear definition of "independence" and we request that the Commission uphold the principle of "independence" of a TCB as outlined in the ISO Guide 65. A workable definition of "independence" as applied to TCBs may be adopted from the language of the European Directives regarding the Notified Body, a counterpart to the proposed Telecommunications Certification Body:

A Notified Body, its director and the staff responsible for carrying out the tasks for which the notified body has been designated shall not be a designer, manufacturer, supplier or installer of terminal equipment, or a network operator or a service provider, nor the

*authorised representative of any of such parties. They shall not become directly involved in the design, construction, marketing or maintenance of terminal equipment, nor represent the parties engaged in these activities.*²

FCC must allow for a number of accreditation bodies that can approve TCBs in order to encourage cost containment and expedite the approval process

With regard to paragraph 14 of the NPRM, CCL believes that the Commission should allow for more than one accreditation body that can evaluate and approve TCBs in order to foster competition, encourage cost containment and expedite the approval process. The NPRM only recognizes the NVCASE program for the accreditation of certification bodies. Additional accreditation organizations should be identified to provide accreditation of TCBs as certification bodies.

It will be necessary for TCBs to be accredited both as a testing laboratory under ISO Guide 25 and as a certification body under ISO Guide 65. CCL encourages the Commission to allow recognition of current accreditation schemes for testing laboratories, such as the National Voluntary Laboratory Program (NVLAP) and the American Association for Laboratory Accreditation (A2LA).

Where multiple accreditation bodies for TCBs are allowed, there should be clear guidelines to ensure that a uniform set of accrediting rules is used among the accreditation bodies, such that the accreditation can be interchangeable and recognizable by all accreditation bodies.

² Official Journal of the European Communities L 74. 12.3.98, p. 20.

Part 68 registration program to provide for electronic filing and information to be submitted in a format standardized for both Part 68 and Part 15 --- The FCC needs to commit resources to maintain a common data base --- Information requested by FCC shall be the minimum necessary to adjudicate complaints

With regard to paragraph 17, subparagraph (h) of the NPRM, CCL encourages the FCC not only to develop electronic options for equipment registration under Part 68 (which are non-existent at the current time), but to ensure that information requested for Part 68 is standardized and in line with that which is requested for Part 15. FCC's resources must be committed to the maintenance of a common database in order to warrant uniformity of information submitted by various certification bodies, both domestic and international. The information requested must include only the minimum necessary for the Commission to adjudicate complaints that may arise. CCL is committed to work with the Commission, interested trade association such as the Telecommunications Industry Association (TIA) and ACIL, as well as any other interested party to develop the format for this information template.

TCBs should be empowered within the bounds of existing statutes

With regard to paragraph 18 of the NPRM, although CCL recognizes that the FCC will retain control over the minimum technical requirements and over the enforcement related to certification, we urge the Commission to grant to private sector certification bodies the fullest authority possible within the bounds of existing statutes.

FCC and Industry should work together to arrive at solutions that will benefit new technologies

With regard to paragraph 19 of the NPRM, CCL encourages the FCC to develop a joint public-private sector working group. An example of a successful model is the Canadian

Technical Attachment Program Advisory Committee (TAPAC). Such a working such group should include all interested parties, such as regulatory bodies, accrediting organizations, current and prospective telecommunications certification bodies, testing laboratories and manufacturers. The Canadian model has proven itself to be an extremely flexible and efficient vehicle of government involvement that greatly benefit new technologies and new applications of current technologies.

FCC should maintain the role of certifier only until such a time when there are enough certifiers for one particular sector

With regard to paragraph 20 of the NPRM, CCL suggests that the FCC maintain the capability to evaluate telecommunications equipment. Nevertheless, CCL believes that the certification system must ultimately reside solely within the private sector realm by the end of the transition period, so as to eliminate confusion and unnecessary complexity. Additionally, we request that the FCC actively encourage competition in order to encourage the development of the most efficient and cost-effective private sector certification system.

We also request that the FCC remain as a product certifier for a particular equipment type until such time that an adequate number of certification bodies for that equipment type can be accredited, and a competitive market for equipment certification can be ensured.

FCC should extend the definition of “certification” in Part 2 to include “registration” under Part 68

With regard to paragraph 22 of the NPRM, CCL disagrees with the FCC decision to distinguish between “certification” and “registration”. We suggest that the FCC expand the definition of the term “certification” in Part 2 to include “registration” under Part 68.

FCC should resolve the abuse on the current Declaration of Conformity process resulting from the relaxation of Part 15 under ET Docket 97-94 before proceeding to further relaxation of the Commission's Rules

With regard to “whether and to what extent Commission supervision of certification bodies is necessary” (NPRM at para 22), CCL believes that the FCC must play the very important role of enforcing compliance. CCL encourages the FCC not to abdicate the traditional role of the Commission, which is to ensure the public welfare and protection with regard to telecommunications equipment and services. CCL believes that without the Commission’s willingness to fulfill the responsibility of enforcement and oversight while allowing deregulation and privatization of equipment authorization, the integrity of any adopted system will be compromised.

Dockets ET 95-19 and ET 97-94 have had the undesirable effect of some manufacturers and test labs choosing to ignore the FCC Rules, which require the testing and labeling of products. This problem has been observed by the computer industry as evidenced in articles published in trade magazines *PC Magazine*³ and in *Conformity*⁴. Abuses do exist and will proliferate when there is an absence of enforcement and a general lack of perception of enforcement at large. CCL strongly supports Commissioner Susan Ness in her call for reallocation of resources within the FCC to actively focus on enforcement, in the Commissioner’s separate statement accompanying the FCC Report and Order for ET Docket 97-94:

³ PC Magazine, Inside PC Labs, January 6, 1998.

⁴ Conformity, Are PC Vendors Abusing FCC DoC Freedoms?, Vol. 3 No. 2, February 1988

I strongly support reducing unnecessary paperwork and delays. But we must not diminish our commitment to prevent harmful interference... Whatever our equipment authorization procedures, there will remain a danger that some products will not be designed to minimize the danger of interference. And there will also remain a problem of individuals who construct or operate transmitting devices with disregard for our rules.

Our responsibility to prevent harmful interference can only be fulfilled if we are prepared to follow through with credible enforcement. I sincerely hope that agency resources that are freed up ... will be redirected to enforcement activities, so that instances of harmful interference can be swiftly removed.⁵

Additionally, CCL requests that the Commission not allow for further relaxation or moving of additional types of equipment from the certification process to the Declaration of Conformity or Verification processes without a redress of the situation that now exists. Until the abuse is curbed and there is a strong commitment from industry to self-regulation and from the FCC to enforcement, it is to the U.S. industry disservice vis-a-vis our trade partners to allow the current situation to remain or to worsen.

Industry and FCC need experience with compliance of equipment to the new Harmonized Part 68 Requirements, therefore any relaxation of the new Part 68 Rules would be premature

Specifically regarding Part 68, the Industry has worked for over 4 years to arrive at the Harmonized version of Part 68 which came into effect April 20, 1998. Among the requirements that have been changed due to the harmonization activities is the new Type B surge requirement with the new "interface integrity" criteria. As reported by various test labs, the preliminary experience so far with this surge has shown that a large number of equipment is failing the new surge criteria (with fusible component opening up in the interface). Due to this and to the lack of experience of the industry with the new Harmonized Part 68, CCL strongly recommends that the

⁵ FCC Report and Order, ET Docket 97-94, FCC 98-58, Separate Statement of Commissioner Susan Ness, April 16, 1998.

FCC leaves Part 68 registration intact, i.e., requiring type approval to be administered by the certification bodies, as is now the case. It would be a disservice to the industry and to Part 68 to propose any relaxation at this time.

FCC should encourage a common electronic format that will simplify the common data base search and standardize the required information in the case of complaints adjudication

With regard to paragraph 24 of the NPRM, CCL strongly supports the use of a common format among certification bodies for the transmission of information required to be archived with the Commission regarding the common database. It is imperative that the test report and test data be in a uniform format to standardize the process and to assist the regulators, manufacturers, test labs and users in searching for the proper information. Any process adopted must not be more public or more complex than the current process.

In order to foster common understanding and the development of a uniform format, certification bodies should be required to participate in industry activities such as those of the TIA's TR41.9 Terminal Attachment Programs Subcommittee whose scope is to provide a consensus forum for the understanding and technical interpretation of Part 68 requirements.

Industry should be ensured an active role in the technical advisement to the Joint Sectoral Committee ("JSC")

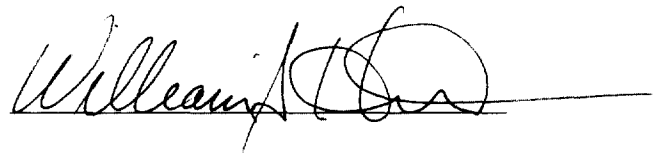
With regard to paragraph 31 of the NPRM, CCL requests that, in formulating the Joint Sectoral Committee ("JSC"), the U.S. Federal authorities ensure an active role for U.S. private sector organizations -- including manufacturers and testing bodies -- in accordance with Section 7(3.1) of the U.S.-EU MRA.

CONCLUSION

CCL supports the Commission's efforts in this NPRM and we applaud the process of streamlining of the equipment authorization process with the goal of eliminating delays in market access for the telecommunications and information technology industry. However, CCL believes that it is crucial for the Commission to redirect resources that are freed up from the certification processes being handed to the Telecommunication Certification Bodies toward enforcement in order to preserve the integrity and the long-term viability of the proposed system.

Respectfully submitted,

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July 22, 1998